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PART II - MISCELLANEOUS NOTIFICATIONSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COLLECTOR & DISTRICT MAGISTRATE
ANANTHAPURAMU

CANCELLATION OF FALSE CASTE CERTIFICATE

ENQUIRY CONDUCTED BY THE DISTRICT LEVEL SCRUTINY COMMITTEE ON THE CASTE STATUS OF Sri M. R. HARI PRASAD, S/o LATE M. RADHA KRISHNA WHO OBTAINED ST - BHAGATHA CASTE CERTIFICATE AND GOT EMPLOYMENT AS CLERK IN SYNDICATE BANK, GOOTY MANDAL.

- Read :
1. Deputy Divisional Manager, Syndicate Bank, Zonal Office, Somajiguda, Hyderabad Ir.Ref.No.1403/20H/PS/WW/ 466259, Dated: 01.06.1994.
 2. This office Rc.No.C5/5626/1994, Dt: 17.06.1994 & 11.09.1994.
 3. Revenue Divisional Officer, Ananthapuramu D.Dis.No.1094/94/C, Dt: 04.10.1994.
 4. This office Rc.No. MC5/5626/1994, Dt: 28.10.1994.
 5. Revenue Divisional Officer, Ananthapuramu D.Dis.No.2108/94/C, Dt: 20.07.1995.
 6. Note orders of the District Collector, Ananthapuramu, Dt: 26.04. 2000
 7. Enquiry conducted by the District Level Scrutiny Committee, Ananthapuramu, Dt:13.06.2000.

8. This office Rc.No.MC3/5626/2000, Dt: 11.07.2000.
9. Superintendent of Police, Chittoor, Ir.Ref.No.C.No.C2/6208/ 251/2K, Dt: 05.02.2001.
10. District Collector, Chittoor Rc.No.MC3/10560/2000, Dt: 30.06. 2001.
11. This office Final Notice Rc.No.MC3/5626/94, Dt: 01.03.2002.
12. This office Rc.No.MC3/5626/1994, Dt: 09.04.2002,21.06.2002, 28.07.2002,07.03.2002.
13. Case Sheet of the D.L.S.C., Ananthapuramu, Dt: 13.06.2000.
14. Lead District Chief Manager, Lead District Office, Syndicate Bank, Sreenivas Nagar, Ananthapuramu Ir.Ref.No. 10/3153/ Complaints/ 2018, Dt: 12.01.2018 received on 25.01.2018.
15. Note orders of the Joint Collector & Chairman, DLSC., Ananthapuramu, Dt:19.02.2018.
16. This office Notice Rc.No.MC3/5626/1994, Dt: 23.02.2018.
17. Case sheet of the D.L.S.C., Ananthapuramu, Dt: 09.04.2018.
18. Findings of the D.L.S.C., Ananthapuramu, Dt: 23.04.2018.

ORDER :

Rc.No.MC3/5626/1994,- In the reference 1st read above, The Deputy Divisional Manager, Syndicate Bank, Hyderabad has requested to cause an enquiry into the caste credentials of one Sri M.R.Hari Prasad S/o late M.Radha Krishna, Clerk, Syndicate Bank, Amarapuram branch, who joined for duty on 08.09.1986 under ST- Bhagatha category. Accordingly, the matter was referred to the Revenue Divisional Officer, Ananthapuramu for conducting a discreet enquiry in the matter.

The Revenue Divisional Officer, Ananthapuramu has submitted a report and stating that Sri M.R.Hari Prasad S/o Radha Krishna has studied upto Intermediate at Gooty Town and got job as Clerk in Syndicate Bank, Amarapuram Branch under reservation quota i.e., ST - Bhagatha. Sri M.R.Radha Krishna F/o M.R.Hari Prasad belongs to Bhagatha (ST) caste and previously worked as Guard in Railways. The Railway authorities have also published seniority list of the Guards in which shown that Sri M.Radha Krishna also appointed under the reservation category i.e., by producing ST - Bhagatha caste. Finally, the Revenue Divisional Officer, Ananthapuramu has recommended for issue of Bhagatha (ST) caste to Sri M.R.Hari Prasad S/o late Radha Krishna instead of confirming about the genuineness of Bhagatha (ST) caste, already issued to the individual in question in the year 1985 & 1986.

Accordingly, a letter has been addressed to the Revenue Divisional Officer, Ananthapuramu vide this office to furnish specifically mention about the genuineness of caste certificate of Sri M.R.Hari Prasad S/o late

M.Radha Krishna.

In this connection, the Revenue Divisional Officer, Ananthapuramu has submitted a detailed enquiry report and stating that Sri M.R.Hari Prasad and his brother M.R.Karunakar appeared on 20.02.1995 and deposed that, they are residing in Gooty R.S. He is working as Clerk in Syndicate branch in Venkatagiri branch, Nellore district and his brother is working as Special "B" Grade Guard in South Central Railways, Gooty. They have also stated that, their father by name Sri M.R.Radha Krishna was born at Vishakapatnam and studied at Tirupathi by virtue of profession and settled his family at Gooty R.S. The caste certificate has been issued to Sri M.R.Hari Prasad S/o M.Radha Krishna as Bhagatha (ST) in the year 1985 and 1986 by the Mandal Revenue Officer, Gooty. His father belongs to Bhagatha (ST) caste and married to one Smt M.Varalakshmi of Tirupathi who belongs to Balija (OC) caste by inter caste marriage and all of their children were also married with inter caste persons. Their father has got 4 sons and 1 daughter. At present, the parents of the applicant are no more. Further, his brothers and sister married with Balija (OC) caste persons though they belongs to Bagatha (ST) caste. Further, they have stated that, the caste of their father is Bagatha (ST) and the same is utilized by them.

Further, the Revenue Divisional Officer, Ananthapuramu has reported that, marriages, other performances (Social customs) made with Balija caste persons only. The individual and his brothers were utilized the benefit by adopting the caste of his father i.e., Bhagatha (ST). But they performed marriages with Balija (OC) caste persons.

Finally, the Revenue Divisional Officer, Ananthapuramu has stated that the caste of Sri M.R.Hari Prasad S/o late M.Radha Krishna belongs to Balija (OC) and does not belongs to Bhagatha (ST) caste as their family members were married with Balija caste people only.

The District Revenue Officer, Ananthapuramu has noticed the discrepancy between the two reports submitted by the present Revenue Divisional Officer, Ananthapuramu and predecessor Revenue Divisional Officer, Ananthapuramu and instructed to submit a fresh report with specific remarks with regard to correct caste status of Sri M.R.Hari Prasad S/o late Radha Krishna, Gooty R.S. Mandal, Ananthapuramu district.

Accordingly, the District Collector, Ananthapuramu has been referred the case to the District Level Scrutiny Committee, Ananthapuramu for its scrutiny and Findings.

The Joint Collector & Chairman, District Level Scrutiny Committee, Ananthapuramu had issued a Notice to the individual vide this office Rc.No. MC3/5626/1994, dt.09.05.2000 to attend at Collector's office, Ananthapuramu

for enquiry on 13.06.2000 with all documentary evidences in support of his community claim.

In obedience to the Notice, individual has appeared before the DLSC and stated that he belongs to ST - Bhagatha caste and submitted a representation that his father was appointed in Railways on 01.04.1981 as Brakes Man at Guntakal. His caste has been noted as Bhagatha (ST) in Railway records also. The Service Register of his father is available with Divisional Personal Officer, Guntakal in which Bhagatha (ST) caste is mentioned in the first page of Service Register and requested to address a letter to the Railways for obtaining xerox copy of first page of service register.

The DLSC committee members have gone through the record available and recorded the facts that Sri M.Hari Prasad's Father and Grand Father belong to Vizag where as the details of Grand Mother is not known to him. He has no ancestors in vizag and accepts that he married to one who belongs to Baliya caste. The Findings of the DLSC are recorded as follows.

- (a) The caste certificate has been issued to the individual as Bhagatha (ST) in the year 1985 and 1986 by the then Mandal Revenue Officer, Gooty
- (b) The individual stated that, his father was born at Vishakapatnam, studied at Tirupathi and settled at Gooty R.S.
- (c) His father belongs to Bhagatha caste and his mother belongs to Baliya (O.C.) caste.
- (d) His brothers and sisters are also married in Baliya (OC) caste.
- (e) The marriages, other performances (Social customs) made with Baliya caste persons only
- (f) The caste certificate issued to the individual is not genuine one.

On observations of the above explanations and enquiries undertaken in this regard the DLSC committee members have concluded that Sri M.R.Hai Prasad S/o late M.Radha Krishna of Gooty Mandal belongs to Baliya (OC) caste.

During the DLSC meeting on the same day i.e., 13.06.2000 in which a decision has been taken to obtain reports from the District Collector, Chittoor & Superintendent of Police, Chittoor as they previously said to be resided in Adivipalli villages of M. Agraharam villages of Chittoor district.

In this connection, the District Collector, Chittoor and Superintendent

of Police, Chittoor have been addressed to cause enquiries in to the social status of individual's father i.e., late M.Radha Krishna and mother of the individual.

The Superintendent of Police, Chittoor district has been conducted enquiry at Adavipalli village of Penumur Mandal, Chittoor district and also at Murakambattu Agraharam village of Chittoor district Taluk PS limits and reported that there is no such person by name Sri M.R.Hari Prasad S/o late M.Radha Krishna have not been resided in the said villages and requested to inform the exact names of the villages and the surname of the wife of late M.Radha Krishna to take further action.

The District Collector, Chittoor has submitted a report that Revenue Divisional Officer, Chittoor stated that Sri M.R.Hari Prasad S/o late M.Radha Krishna is not a native (or) resident of Adivipalle village of Penumur Mandal and also there is no such name of M.Radha Krishna in the village of Adivipalle since 40 years.

Further, the Joint Collector & Chairman, DLSC., Ananthapuramu had issued Final Notice vide this office Rc.No.MC3/5626/1994, dt: 01.03.2002 to Sri M.R.Hari Prasad S/o late M.Radha Krishna for enquiry on 07.03.2002 at Collector's office, Ananthapuramu with a request to furnish all documentary evidences in support of his community claim.

In obedience to the Notice, he appeared before the DLSC committee and deposed a statement that he is working as Clerk in Syndicate Bank, Dachuru Branch, Nellore district. He produced xerox copy of 1st page of Service Register pertaining to his father late M.Radha Krishna who worked in Railways in which his caste has been indicated as Hindu - Bhagatha (ST) duly attested by the Railway authorities. It is an extract of the reconstructed Service Register. Further, he stated that he has no evidence except that his father studied in BZC School, Chittoor who claimed ST status.

Further, District Level Scrutiny Committee opined that an in depth enquiry needs to be done in this regard. The DLSC committee opined that no surname by called "Madi" is found in "Bhagatha" community. It was decided to enquire thoroughly in to the following.

- a. Details of relatives
- b. Details of brothers and sisters
- c. Study certificates of his father.

It has been directed to the delinquent to furnish the above documents with in 15 days.

Accordingly, Sri M.R.Hari Prasad S/o late M.Radha Krishna submitted a representation to the Joint Collector, Ananthapuramu on 19.03.2002 and stated that his four brother details are as follows.

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|---------------------------|-------------------------------|
| (i) Sri M.R.Karunakar | (ii) Sri M.R.Satyanarayana |
| (iii) Sri M.R.Hari Prasad | (iv) Sri M.R.Narendra Prasad. |

- (i) Sri M.R.Karunakar is working as Railway Mail and Express Guard married to one Smt R.Bhanumathi who is working as Staff Nurse in Govt. General Hospital, Gooty. She belongs to Hindu - Ediga caste.
- (ii) Sri M.R.Satyanarayana is working as Traffic Inspector, Cuddappah married to one Smt D.Santha Lakshmi Her caste is Uppara Baliya. Her father worked as Superintendent in SRM / Guntakal who is residing in D.No.2/286 Up stairs, C.K. Street, Tirupathi.
- (iii) Sri M.R.Hari Prasad is working as Clerk-cum- Cashier in Syndicate Bank, Dachuru Branch, Nellore district. He married to one Smt A. Lakshmi Chaya and her caste has been noted as "Hindu" as per the Transfer certificate issued by the Sri Padmavathi Women's college, Tirupathi. She belongs to Baliya caste.
- (iv) Sri M.R.Narendra Prasad is working as Head Clerk in Railways, Renigunta. He married to one Smt Suneetha who belongs to Gajula Baliya.

Further, Sri M.R.Hari Prasad S/o late M.Radha Krishna produced the Transfer certificates of their brother wives in support of their community claim. He stated that he and his brothers married with different caste persons in different districts as all the marriages were performed in inter caste. While his father was working in Railways got married who belongs to Baliya caste and left Chittoor. His father studied SSLC in B.Z.High School, Chittoor.

In this connection, a letter has been addressed to Divisional Railway Manager, South Central Railways, Guntakal vide this office letter No.MC3/5626/1994, dt: 09.04.2002 duly enclose a copy of the first page of Service Register late M.Radhakrishna, who worked in Railways in which his caste has been indicated as Hindu - Bhagatha (ST) as furnished by the individual and requested to furnish the following for taking further action in this regard.

- (a) Whether the first page of the Service Register furnished by the individual is genuine (or) not
- (b) Whether Sri M.Radha Krishna was appointed in Railway department under reservation quota on the strength of S.T. Bhagatha caste (or) not.

Further, draft reminders have also been addressed vide this office, letter, dt: 21.06.2002, 27.07.2002, 12.08.2002, 23.12.2002, 08.04.2003 and 24.10.2003. But no reply has been received from them.

Further, the Lead District Chief Manager, Lead District Office, Syndicate Bank, Ananthapuramu in his letter Rc.No. 10/3153/Complaints/2018, dt: 12.01.2018 has addressed a letter to the District Collector, Ananthapuramu to confirm the genuineness of the caste status of Sri M.R.Hari Prasad S/o late M.Radha Krishna of Gooty Town who is working as Clerk in Syndicate Bank, Tirupathi branch.

The Joint Collector / Chairman, DLSC., Ananthapuramu has again placed the case before DLSC as no action has been taken since 2003 and a Notice in Form - VI was issued to the above applicant to appear before the Committee on 09.03.2018 with the following documents.

- (i) Aadhar No. of Sri M.R.Hari Prasad, S/o late M.Radha Krishna and his family members.
- (ii) A certificate from the association of Bhagatha Welfare Association to certify the genuineness of the caste certificate.
- (iii) Any other documentary evidences of your kin and kith to prove your caste as Bhagatha (ST).

In obedience to the Notice, Sri M.R.Hari Prasad, S/o late M.Radha Krishna has attended before the Scrutiny committee on 09.03.2018 and stated that he is working as Clerk in Syndicate Bank, Tirupathi branch who belongs to Bhagatha (ST) caste. Further, he stated that his brother by name Sri M.R.Narendra Prasad is working in Railways under compassionate grounds as his father was died while in service who also belongs to Bhagatha (ST) caste. Except this, Sri M.R.Hari Prasad, S/o late M.Radha Krishna has not submitted any documentary evidences to the scrutiny committee as called for above in support of his claim as belonging to the caste "Bhagatha" (ST).

According to section (6) of A.P. (SC,ST & BC) Regulation of Issue of Community Certificates Act, 1993, (Act No. 16 of 1993), burden of proof lies on the claimant i.e., Appellant only. But, the Appellant failed to prove his caste claimed as Bhagatha (ST).

As per the guidelines for determining the caste of the child of inter-caste married couple are laid down by the Government of India in G.O.Ms.No.371 Employment & Social Welfare (B2) Department Dated: 13.04.1976 as follows. The question has risen whether the off-spring born out of wedlock between a couple one of whom is a member of Scheduled Tribe and other is not, should be treated as a Scheduled Tribe (or) not.

In case of marriage between a tribal with a non-tribal the main factor (or) consideration is whether the couple were accepted by the Tribal society to which the tribal spouse belongs. If he or she, as the case may be, is accepted by the society then their children shall be deemed to be Scheduled Tribes. But this situation can normally happen when the husband is a member of the Scheduled Tribes. The final result will always depend on whether the child was accepted as member of the Scheduled Tribe (or) not

In this instant case, Sri M.R.Hari Prasad, S/o late M.Radha Krishna was born, brought up and living together with the family of her mother, which is Balija (OC) locality and hence he was accepted by the Balija society. Most of the relatives are also continuing relationship with the Balija people i.e., his relatives have got married to Balija people. The individual and his relatives are following the traditions and customs of Balija and continuing the relationship with Balija people. It is noticed that Sri M.R.Hari Prasad S/o late M.Radha Krishna was brought up in the surrounding of his mother's relation. In such case, a child cannot be treated as a member of the Scheduled Tribe community and cannot get any benefits.

Further, the District Level Scrutiny Committee, Ananthapuramu has gone through the record available and felt that the individual does not have material any evidences in support of his claim and decided to finalise the case basing on the facts in issue and material facts of the case. The fact, that the marriages held in the family of the individual, traditions and customs being followed by them also established that, the individual belongs to Balija (OC) caste.

On observation of the above explanations and enquiries undertaken in this regard the DLSC Committee members, Ananthapuramu have concluded that Sri M.R.Hari Prasad, S/o late M.Radha Krishna of Gooty mandal does not belong to Bhagatha (ST) caste through the Case Sheet.

Further, the District Level Scrutiny Committee, Ananthapuramu has recommended for cancellation of fraudulent caste certificate as Bhagatha (ST) obtained by Sri M.R.Hari Prasad S/o late M.Radha Krishna from the Tahsildar, Gooty.

The Joint Collector & Chairman, District Level Scrutiny Committee, Ananthapuramu has gone through the material evidence available on record, other substantive grounds and agreed the facts with the opinion of members of District Level Scrutiny Committee, Ananthapuramu and has given approval upon the "Findings of the District Level Scrutiny Committee" that., Sri M.R.Hari Prasad, S/o late M.Radha Krishna of Gooty Town, Ananthapuramu district do

belongs to the caste & community of "Balija" OC and does not belongs to Bhagata (ST). The caste certificate obtained him as Bhagatha (ST) is a fraudulent one and deserves for cancellation.

I have verified the records as well as the report of Revenue Divisional Officer, Ananthapuramu and the report of District Level Scrutiny Committee and perused the documents produced by the applicant. After perusing the above factors with a critical view, I am convinced that the District Level Scrutiny Committee rightly recommended and declaring that the caste of Sri M.R.Hari Prasad, S/o late M.Radha Krishna of Gooty Town, Ananthapuramu district do belongs to the caste & community of "Balija" OC.

Under section 5 (1) of AP (SC,ST and BC) Regulation of issue of Community, Nativity and Date of Birth Certificate Act 16 of 1993 r/w Sub-Rule 7 of Rule 9 of AP (SC,ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997, communicated in G.O.Ms.No.58 of Social Welfare Department, Dt: 12.05.1997, the District Collector is competent to cancel the caste certificate.

In view of the above circumstances and in exercise of powers conferred, under Sub Rule 7 of Rule 9 of A.P.by the Government under Rule (9) of A.P. (SC/ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 (G.O.Ms. No.58 S.W. (J) Dept., dated. 12.05.1997) read with section 5 (i) of A.P. (SCs, STs and BCs) Regulation of Issue of Community, Certificates Act 16/93, I, Sri G.Veerapandian, I.A.S., Collector and District Magistrate, Ananthapuramu do hereby cancel the Bhagatha (ST) caste certificate obtained by Sri M.R.Hari Prasad, S/o late M.Radha Krishna of Gooty Town, Ananthapuramu district, Andhra Pradesh state from the then Tahsildar, Gooty and other caste certificates if any obtained later on, with immediate effect duly declaring that the individual does not belongs to Bhagatha (ST) community.

A notification to this effect shall be published in the District Gazette extraordinary.

An appeal against this order lies before the Government within thirty (30) days from the publication of order in the Andhra Pradesh Gazette as per Section 7 (2) of Act 16 of 1993.

Date: 26.5.2018.

G.VEERAPANDIAN, I.A.S.,
Collector & District Magistrate,
Ananthapuramu.

To

Sri M.R.Hari Prasad, S/o late M.Radha Krishna, Clerk, Syndicate Bank,
Regional office, Bairagipatteda, Tirupathi - 517 501 (BY RPAD).

NOTIFICATION

Rc.No.MC3/5626/1994,- In view of the recommendations of the District Level Scrutiny Committee and in exercise of powers conferred under section 5 (i) of the A.P. (SC/ST/BC) Issue of community certificate Act 16/1993 r/w Sub-Rule (7) of Rule 9 of A.P. (SC/ST/BC) issue of Community, Nativity and Date of Birth Certificate Rules, 1997 communicated vide G.O.Ms.No.58, Social Welfare (J) Department, Dt: 12-5-1997, I, Sri G.Veerapandian, I.A.S., Collector and District Magistrate, Ananthapuramu do hereby cancel the Bhagatha (ST) caste certificate obtained by Sri M.R.Hari Prasad, S/o late M.Radha Krishna of Gooty Town, Ananthapuramu district, Andhra Pradesh state from the then Tahsildar, Gooty and other caste certificates if any obtained later on, with immediate effect duly declaring that the individual does not belongs to Bhagatha (ST) community.

Date: 26.5.2018.

G.VEERAPANDIAN, I.A.S.,
Collector & District Magistrate,
Ananthapuramu.

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